

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
JOHN A. COUWENHOVEN, ) CASE NO. 04-65475 JPK  
 ) Chapter 13  
Debtor. )

ORDER FOR HEARING

On June 21, 2006, the debtor, by counsel, filed a Motion to Allow Late Claim, stating that the debtor inadvertently omitted The Methodist Hospital/Southlake from Schedule F as originally filed in the case, and requesting leave of Court authorizing the debtor to file a late claim on behalf of the creditor.

The Court determines that a hearing is necessary to address the issues raised by the motion. First, *Matter of Greenig*, 152 F.3d 631 (7<sup>th</sup> Cir. 1998) defines the parameters for the filing of a late claim in the Seventh Circuit; footnote 5 of that decision, while *dicta*, states that lack of notice of the filing of the case may not be a sufficient basis to extend the original claim filing deadline for a creditor which did not receive such notice. Additionally, the only provisions of which the Court is aware which allow a debtor to file a claim on behalf of a creditor are Fed.R.Bankr.P. 3004 and 11 U.S.C. § 1305. Because this asserted claim did not arise subsequent to the date of the filing of the case, § 1305 would not apply; the deadline stated for filing a claim under Rule 3004 has long since passed.

IT IS ORDERED that a hearing will be held on **August 28, 2006, at 1:00 P.M.** at which debtor's counsel should be prepared to address the issues outlined above in relation to the foregoing motion.

Dated at Hammond, Indiana on July 28, 2006.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Debtor, Attorney for Debtor, Trustee, US Trustee